

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

As requested, the Abstract of the Disclosure and specification have been amended above so as to bring them in line with usual USPTO practice.

The Examiner's reference to the alleged incorporation of "essential matter" in the specification is not understood. So far as the undersigned can ascertain, there is no incorporation by reference to a foreign application or patent or publication – let alone the incorporation of "essential matter". Accordingly, this ground of objection appears to be clearly erroneous.

With respect to use of the trademark "RealPlayerG2", it will be noted that this trademark has already been properly capitalized wherever it appears throughout the specification and that generic terminology is already given at page 21, line 43. The remaining uses of this term appear in the context of technical session description examples and, because of the way the trademark owner has chosen to use the trademark, it has been used in a required functional sense. All of this is believed to be clearly in line with recognizing the validity of such trademark.

With respect to the objection to claim 6, this claim has now been cancelled thus mooting that ground of rejection.

With respect to claim 12, the suggested correction has been effected by the above amendment.

The rejection of claims 21 and 22 under 35 U.S.C. §101 is respectfully traversed. In any event, both these claims have been amended so as to clearly bring them within the ambit of potentially patentable subject matter under 35 U.S.C. §101.

The rejection of claims 22 and 6 under 35 U.S.C. §112 has been noted and the above amendments obviate these grounds of rejection.

The provisional rejection of claim 6 under 35 U.S.C. §101 on a “double patenting” basis has also been noted. However, this ground of rejection is not believed to be yet mature since the allowed status of claims in these cases has not yet been finalized. Appropriate steps will be taken in the future, if such are required to avoid double patenting issues.

The rejection of claims 1-22 under 35 U.S.C. §102 based on Avaro et al. is respectfully traversed.

As will be noted above, the substance of original claim 6 has now been added to each of the independent claims and the link between the modules in original claim 6 has been amended to clearly indicate that it is two-way. For example, see the specification teaching at pages 11-12 (especially the first full paragraph or lines 11-19 on page 12) such two-way links permit a module tree to be traversed from a base module downwards or from a media module upwards.

None of the cited prior art permits a distributed announcement in the manner of the claimed invention as no support is given for two-way links between the base module and each media module. Avaro et al. moreover does not even contemplate the same field of endeavor.

MPEG 4 is about configuring a decoder whereas applicant's invention is about sending a recipe for building applications in order to receive a multimedia session.

MPEG 4 denotes components required to play a video stream. Applicant's invention describes components required to participate in a multimedia session (not limited to audio and video), where to find the components and how to create an application using said components, (i.e., it contains a recipe constructing an application from components).

Applicant's invention also uses a prior modular session announcement framework. A base module is transmitted that all end-systems receive. The end-systems then select which other modules they wish to receive based on end-systems and network capabilities plus user preferences. The present invention extends that prior arrangement by including descriptions of components required in order to receive particular media streams and pointers to where such components can be found, plus descriptions of how to combine components into running applications. Unlike MPEG 4 there is no need for negotiation. Each session has a multiplicity of streams and the end-system decides which of these to join.

In MPEG 4 all information is sent at once. In the claimed invention only the base module is received by all end-systems. The end-system/user can decide which other modules to download. This is key as there is no need to download component descriptions if there is no chance of the end-system being able to use that particular multimedia stream, e.g., video on a device without a screen.

The applicant's invention describes a recipe for building an application on the end-system. MPEG 4 is just about configuring an application. In applicant's invention the components could have been previously unrelated. The recipe states how they work together.

Claim 10, Section 2.4 of the MPEG 4 document says nothing about adapting to the network.

Claim 11 accomplishes this based on end-system capabilities. The encoder and decoder do not have to agree. In a multicast session the session must be capable of being received by end-systems that are heterogeneous in their capabilities. The end-systems cannot request that the encoder adapts to it. The point also applies to claim 10.

Claim 12 – The multimedia streams are modified by the receiver by selecting which streams modules to join.

Claim 13 – There is no required upstream channel in applicant's invention. The appropriate streams are chosen.

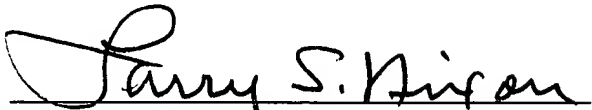
Claim 18 – As mentioned above, in MPEG 4 the description is structured and not modular. In applicant's invention the end-system can read the base module and fetch further modules based on that. Section 2.5 of the MPEG 4 document describes decoding and rendering an audio video stream not selecting particular streams from a multitude available.

BELL et al
Appl. No. 09/830,462
December 14, 2004

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

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